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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,986	05/19/2004	Donal S. Dunbar JR.	5077-0002	5987
28777	7590	03/15/2005	EXAMINER	
MICHAEL L. DIAZ, P.C. 555 REPUBLIC DRIVE, SUITE 200 PIANO, TX 75074			RODRIGUEZ, WILLIAM H	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/848,986	DUNBAR, DONAL S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William H. Rodriguez	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 14 is/are rejected.
- 7) ☒ Claim(s) 3-13 and 15-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 14 is objected to because of the following informalities:

Claim 14 recites "a oxidizing" in line 5. This recitation should be replaced by --an oxidizing-- before "material" and after "mixing". Appropriate correction is required.

### *Drawings*

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the lines, numbers and letters are not uniformly thick and well defined, clean, durable, and black (poor line quality), See 37 CFR 1.84 (l). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the combustible material" in lines 5-6 and 8. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

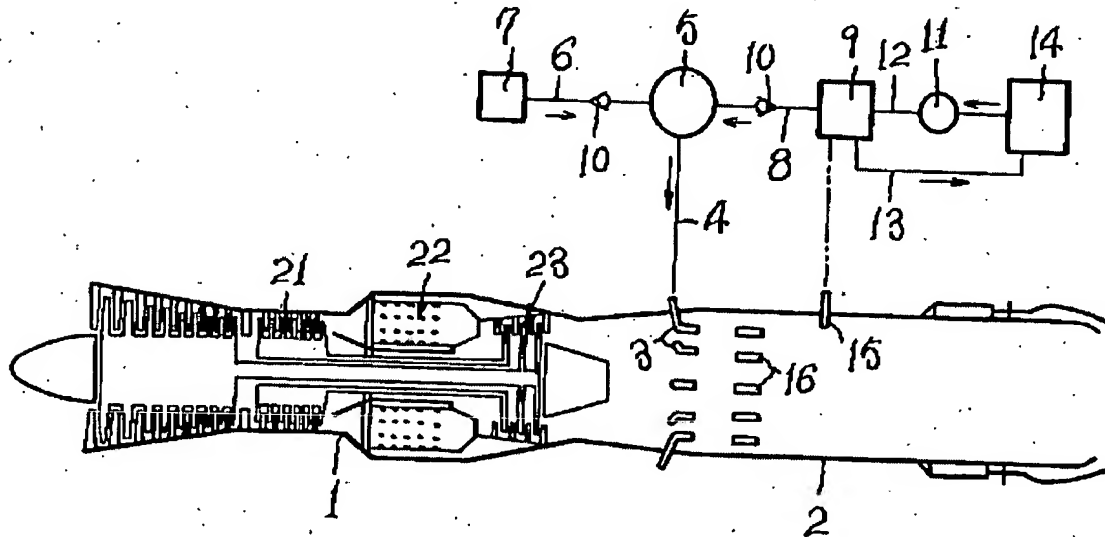
*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Suzuki** (U.S. 4,551,971).



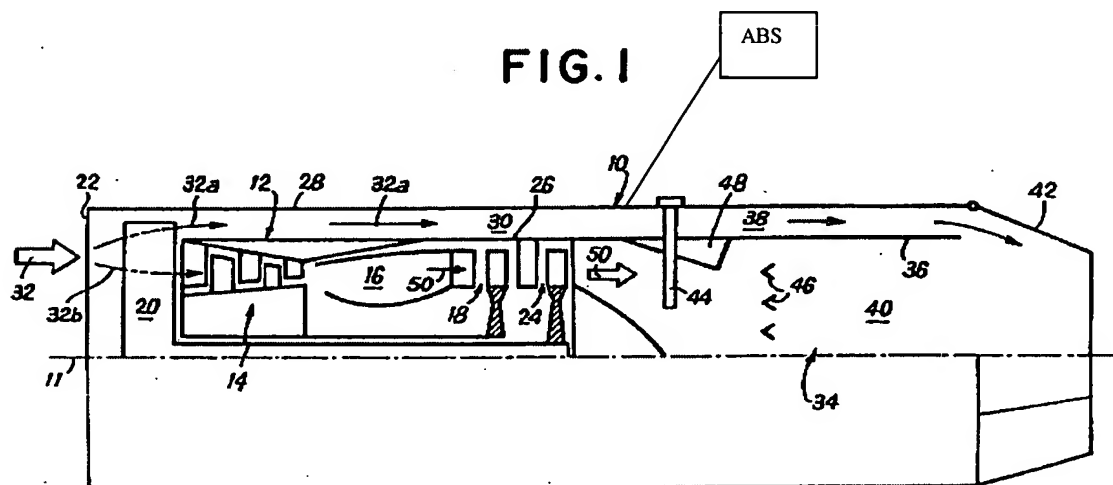
With respect to claim 1, **Suzuki** teaches a jet propulsion system for use on an aircraft, said jet propulsion system comprising: a jet engine producing thrust for the aircraft, said jet engine emitting an exhaust, a storage tank 14 holding an oxidizing material, and an afterburner shroud 2 conforming to said jet engine, means for mixing 5 the oxidizing material 14 and fuel 7 into a combustible mixture, said afterburner shroud 2 injecting the combustible mixture into the exhaust (through the use of injectors 3), whereby the exhaust ignites the mixture, thereby

creating an additional thrust for said jet engine. See **Figure 1**, and column 2 lines 44-64 of Suzuki.

With respect to claim 2, **Suzuki** teaches that said jet engine is a turbojet engine. See column 1 line 12 of Suzuki.

With respect to claim 14, **Suzuki** teaches an afterburner shroud 2 for use on a jet engine, said afterburner shroud 2 comprising: a shroud circumferential shaped and connected to said jet engine, means for mixing 5 an oxidizing material 14 and fuel 7 to form a combustible mixture; and injecting means 3 for injecting the combustible mixture into the exhaust created by the jet engine, whereby the combustible mixture is ignited by the exhaust and provides an additional thrust to the jet engine. See **Figure 1** of Suzuki.

7. Claims 1, 2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Roche (U.S. 5,297,391)**.



With respect to claim 14, **Roche** teaches an afterburner shroud for use on a jet engine, said afterburner shroud ABS comprising: a shroud circumferential shaped and connected to said

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jet engine, means for mixing 48 an oxidizing material 32a and fuel (through fuel injector 44) to form a combustible mixture; and injecting means 44 for injecting the combustible mixture into the exhaust created by the jet engine, whereby the combustible mixture is ignited by the exhaust and provides an additional thrust to the jet engine. See **Figures 1, 2**, and column 3 lines 21-27 of Roche.

***Allowable Subject Matter***

8. Claim 20 is allowed.

9. Claims 3-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 15-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

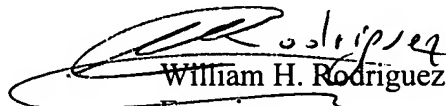
***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William H. Rodriguez  
Examiner  
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